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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,142	11/25/2003	John C. Gudenkauf	MSFT-2755/303265.01	6319

41505 7590 10/30/2007
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EXAMINER

DEBROW, JAMES J

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,142	Applicant(s) GUDENKAUF ET AL.	
	Examiner James J. Debrow	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-21, and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in responsive to communications: Amendment filed 27 Aug. 2007.
2. Claims 1-7, 9-21, and 23-28 are pending in this case. Claims 1, and 15, are independent claims.

Applicant's Response

3. In Applicant's Response dated 27 Aug. 2007, Applicant argued rejections of previous action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-7, 9-21 and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrel et al. (Patent No.: US 6,199,082 B1) (hereinafter 'Ferrel').**

In regards to independent Claims 1 and 15, Ferrel discloses a *computing system having a transforming process operating thereon, the transforming process:*

receiving a selection of a piece of edited content, the content including a plurality of items (col. 18, line 62 - col. 19 line 15; Ferrel discloses a Project Editor, which contains a content browser dialog, that is used to select a desired content object.);

receiving a selection of a dynamic edit form to be employed with the content to produce a page to be rendered for display, the edit form including a plurality of controls, each control specifying a unique type within the edit form and corresponding to a graphic display element that may appear on the page, each control including attributes specifying use of the control on the page, the attributes including a minimum and/or maximum number of instances of the control on the page and at least one selectable attribute that can be set to define a property of the control as appearing on the page, the selectable attributes including an order of an instance of the control within the page in relation to other instances of controls in the page, the edit form having no indicia tying the same edit form to any particular piece of content, whereby the edit form may be employed in connection with multiple pieces of content (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; col. 35, lines 21-53; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Ferrel further discloses a style sheet editor that is used to create and edit style sheets, thus, creating layout statements. Col. 10, lines 12-15; col. 18, line 65 – col. 19, line 2; Ferrel discloses each page has at least one control, where each control delineates an area where some piece of content should be displayed. Thus, specifying at least one of a minimum and a maximum number of instances of the control that can appear in a page. Col. 8, lines 15-29; Ferrel discloses the system keep tracks of the links between a piece of content and its associated layout, but does not format the content to a particular

layout style. Thus, the edit form does not contain any indicia that binds such edit form to any particular content. Col. 29, lines 50-55; col. 39, lines 9-32; Ferrel discloses the designer can set properties of the controls to specify the order in which they will appear on the page. Ferrel also discloses each piece of content with a priority to specify the sort order.);

receiving a selection of a content-control statement tying the selected content to the selected edit form by specifying the selected edit form and including for each item of the selected content the type of one of the controls of the selected edit form such that the item is to be displayed in the page according to the corresponding type of control (col. 5, lines 2-6; col. 12, lines 12-16; col. 23, lines 37-67; col. 34, lines 33-67; col. 35, lines 21-53; col. 26, lines 14-21; Ferrel discloses a style sheet editor that is used to create and edit style sheets. It has been established and it known in the art that style sheets typically contain content-control statements. Ferrel further discloses the content and design are brought together (binding) by the controls.);

generating a layout statement specifying how each item of the selected content is to appear in the page based on the corresponding control set forth in the selected edit form tied to the selected content by the selected content-control statement, the generated layout statement including a plurality of layout directives, each directive to be carried out with regard to one of the items of the content to render the page, each directive setting at least one selectable attribute of the instance of the control specified for the item by the selected content-control statement (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; col. 35, lines 21-53; Ferrel discloses within the multimedia

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publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Ferrel further discloses a style sheet editor that is used to create and edit style sheets, thus, creating layout statements. Col. 29, lines 50-55; col. 39, lines 9-32; col. 37, lines 8-45; Ferrel discloses the designer can set properties of the controls to specify the order in which they will appear on the page.).

outputting the page based on the selected content, the selected edit form, the selected content control statement, the generated layout statement, the page being in a pre-selected rendering format (col. 8, lines 39-64; col. 10, lines 3-20; col. 35, lines 21-53; Ferrel discloses how the multimedia publication system creates a publication by processing the content objects with the page layouts and displaying the page to the user. Ferrel discloses a style sheet editor that is used to create and edit style sheets.).

the transforming process generating the layout statement without modifying any of the selected content, the selected edit form, and the selected content-control statement (col. 35, lines 21-53; Ferrel discloses the style sheet having default definitions in which the fields contains default values.).

In regards to dependent Claims 2 and 16, Ferrel discloses *the computing system of claim 1 wherein the*

transforming process receives each of the piece of edited content, the edit form, the content-control statement, and the layout statement in an computer-based markup

language (col. 26, lines 14-58; col. 27, lines 37-57; Ferrel discloses saving documents in a format which conforms to the multimedia publishing markup language such as SGML (Standard Generalized Markup Language). Ferrel also discloses a MPML file is a text file that conforms to SGML, which can easily be converted to other formats.).

In regards to dependent Claims 3 and 17, Ferrel discloses *the computer system of claim 1 wherein the transforming process receives the edited content in a neutral format not specific to any particular rendering format* (col. 26, lines 14-58; col. 27, lines 37-57; Ferrel discloses saving documents in a format which conforms to the multimedia publishing markup language such as SGML (Standard Generalized Markup Language). It has been established and it well known in the art that SGML is a generic/neutral format that can easily be converted to other formats.).

In regards to dependent Claims 4 and 18, Ferrel discloses *the computing system of claim 1 wherein the transforming process further receives a selection of the pre-selected rendering format* (col. 26, lines 14-58; col. 27, lines 37-57; col. 35, lines 21-53; Ferrel discloses saving documents in a format which conforms to the multimedia publishing markup language such as SGML (Standard Generalized Markup Language). It has been established and it well known in the art that SGML is a generic/neutral format that can easily be converted to other formats. Ferrel also discloses the style sheet having default definitions in which the fields contain default values.).

In regards to dependent Claims 5 and 19, Ferrel discloses *the computing system of claim 4 wherein the transforming process applies the edited content, the edit form, the content-control statement, and the layout statement along with the selected rendering format to produce a page based on the edited content and the layout statement in the applied rendering format* (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; col. 35, lines 21-53; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Ferrel further discloses a style sheet editor that is used to create and edit style sheets, thus, creating layout statements.);

In regards to dependent Claims 6 and 20, Ferrel discloses *the computing system of claim 1 wherein the transforming process applies the pre-selected rendering format as a transform along with the edited content, the edit form, the content-control statement, and the layout statement to produce the page* (col. 26, lines 14-58; col. 27, lines 37-57; Ferrel discloses saving documents in a format which conforms to the multimedia publishing markup language such as SGML (Standard Generalized Markup Language). It has been established and it well known in the art that SGML is a generic/neutral format that can easily be converted to other formats.).

In regards to dependent Claims 7 and 21, Ferrel discloses *the computing system of claim 1 wherein the transforming process outputs a plurality of versions of the page based on the edited content, the edit form, the content-control statement, and the layout statement, each version of the page being in a pre-selected rendering format* (col. 8, lines 39-64; col. 35, lines 21-29; Ferrel discloses each control on a page can have a different style sheet and each. Thus different style sheets, produces different versions of the page.).

In regards to dependent Claims 9 and 23, Ferrel discloses *the computing system of claim 1 wherein the transforming process further stores the outputted page on a server to be served over a network in response to a request therefor from a user on the network* (col. 11, lines 45-62; col. 18, lines 19-29; col. 43, lines 36-48; Fig 1; Fig 2.).

In regards to dependent Claims 10 and 24, Ferrel discloses *the computing system of claim 1 wherein the transforming process further:*

receives a selection of the page as another piece of edited content (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; col. 35, lines 21-53; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page.);

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receives another selection of a layout statement (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; col. 35, lines 21-53; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts.).

outputs another page based on the page and the another layout statement (col. 8, lines 39-64; col. 10, lines 3-20; col. 35, lines 21-53; Ferrel discloses how the multimedia publication system creates a publication by processing the content objects with the page layouts and displaying the page to the user. Ferrel discloses a style sheet editor that is used to create and edit style sheets.).

In regards to dependent Claims 11 and 25, Ferrel discloses *the computing system of claim 1 wherein the transforming process:*

receiving a selection of a plurality of pieces of edited content, each piece of edited content including at least one item and for each item a control for receiving the item and specifying attributes relating to displaying the received item in a page that is to be served to a requester thereof (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Col. 18, line 62 - col. 19 line 15; Ferrel discloses a Project Editor, which contains a content browser dialog, that is used to select a desired content

object; col. 39, lines 9-32; Ferrel discloses the designer can set properties of the controls to specify the order in which they will appear on the page.)

receiving a selection of a layout statement, the layout statement specifying each item of each piece of the edited content that is to appear in the page, including a layout order of such specified item within the page and any attributes to be applied to such item (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; col. 35, lines 21-53; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Ferrel further discloses a style sheet editor that is used to create and edit style sheets, thus, creating layout statements. Col. 29, lines 50-55; col. 39, lines 9-32; Ferrel discloses the designer can set properties of the controls to specify the order in which they will appear on the page. Ferrel also discloses each piece of content with a priority to specify the sort order.);

outputting the page based on each piece of the edited content and the layout statement (col. 8, lines 39-64; col. 10, lines 3-20; col. 35, lines 21-53; Ferrel discloses how the multimedia publication system creates a publication by processing the content objects with the page layouts and displaying the page to the user. Ferrel discloses a style sheet editor that is used to create and edit style sheets.).

In regards to dependent Claims 12 and 26, Ferrel discloses *the computing system of claim 1 wherein the transforming process further receives a selection of a*

transform to be applied to the edited content, the transform for effectuating a pre-defined change on at least one of the edited content and the layout thereof, the transforming process outputting the page based on the edited content, the layout statement, and the transform to produce the page with the change effectuated therein (col. 26, lines 14-58; col. 27, lines 37-57; col. 8, lines 39-64; col. 35, lines 21-29; Ferrel discloses saving documents in a format which conforms to the multimedia publishing markup language such as SGML (Standard Generalized Markup Language). It has been established and it well known in the art that SGML is a generic/neutral format that can easily be converted to other formats. Ferrel also discloses each control on a page can have a different style sheet and each. Thus different style sheets, produces different versions of the page.).

In regards to dependent Claims 13 and 27, Ferrel discloses *the computing system of claim 12 wherein the transforming process further receives a selection of a plurality of transforms to be applied to the edited content, each transform for effectuating a pre-defined change on at least one of the edited content and the layout thereof, the transforming process outputting the page based on the edited content, the layout statement, and each transform to produce the page with each corresponding change effectuated therein* (col. 26, lines 14-58; col. 27, lines 37-57; col. 8, lines 39-64; col. 35, lines 21-29; Ferrel discloses saving documents in a format which conforms to the multimedia publishing markup language such as SGML (Standard Generalized Markup Language). It has been established and it well known in the art that SGML is a

generic/neutral format that can easily be converted to other formats. Ferrel also discloses each control on a page can have a different style sheet and each. Thus different style sheets, produces different versions of the page.).

In regards to dependent Claims 14 and 28, Ferrel discloses *the e computing system of claim 12 wherein the transforming process:*

receives a first selection of the piece of edited content based on a request for a page based on the edited content from a first requester (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Col. 18, line 62 - col. 19 line 15; Ferrel discloses a Project Editor, which contains a content browser dialog that is used to select a desired content object.);

receives a selection of a first transform to be applied to the edited content, the selection of the first transform being based on a type of the first requester (col. 43, lines 35-48; Ferrel discloses an intermediate server site which stores objects until they are requested to it's final destination.);

outputs a first version of the page based on the edited content and the first transform, the first version of the page for being served to the first requester (col. 8, lines 39-64; col. 35, lines 21-29; Ferrel discloses each control on a page can have a

different style sheet and each. Thus different style sheets, produces different versions of the page.);

receives a second selection of the piece of edited content based on a request for a page based on the edited content from a second requester (col. 5, lines 2-6; col. 8, lines 15-25; col. 34, lines 33-67; Ferrel discloses within the multimedia publishing system, the content and the design information are stored as separate objects. Ferrel discloses a Page Editor, which is used for creating and editing detailed page layouts. The Page Editor contains tools for laying out controls on a page. Col. 18, line 62 - col. 19 line 15; Ferrel discloses a Project Editor, which contains a content browser dialog that is used to select a desired content object.);

receives a selection of a second transform to be applied to the edited content, the selection of the second transform being based on a type of the second requester(col. 43, lines 35-48; Ferrel discloses an intermediate server site which stores objects until they are requested to it's final destination.);

outputs a second version of the page based on the edited content and the first transform, the second version of the page for being served to the second requester (col. 8, lines 39-64; col. 35, lines 21-29; Ferrel discloses each control on a page can have a different style sheet and each. Thus different style sheets, produces different versions of the page.).

6. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Response to Arguments

7. Applicant's arguments filed 27 Aug. 2007 have been fully considered but they are not persuasive.

Applicant argues *there is no discussion in Ferrell regarding "a transforming process" that receives "a selection of a content-control statement tying the selected content to the selected edit form by specifying the selected edit form and including for each item of the selected content the type of one of the controls of the selected edit form such that the item is to be displayed in the page according to the corresponding type of control," as recited in independent claims 1 and 15. Applicant also argues the Examiner has acknowledged that the "style sheet editor" and "style sheets," described in Ferrel, do not disclose a "content control statement" by asserting, in the rejection of independent claims 1 and 15, that "it has been established and is known in the art that style sheets typically contain content-control statements."*

The Examiner disagrees.

The Examiner's assertion that "it has been established and is known in the art that style sheets typically contain content-control statements" is not an admittance that Ferrel does not teach content-control statements. Even if the Examiner was to admit [REDACTED], which Examiner does not, that such teachings does not exist in Ferrel, in relations to style sheets, Ferrel further disclose evidence of teaching content-control statements as described below. u8

Ferrel discloses content is separated from design in the Multimedia Publishing System (MPS). The MPS uses SGML (Standard Generalized Markup Language) to define the scheme for creating/editing structured documents that brings together the content and design. SGML is a standard for defining a markup language, a set of tags and attributes used to identify the structure of a document called a DTD (document Type Descriptor). Ferrel disclose a Document Editor that saves documents in a format that conforms to MPS DTD, Multimedia Publishing markup Language (MPML). The author uses a Document Editor to create the document based on a MPS template, which provides a set of predetermined styles/attributes. Ferrel also discloses the Document Editor makes it easy for authors to logically identify elements that make up a story wherein the Document Editors apply styles/attributes through an automatic process. The specification of the claimed invention discloses the edit form controls and the behavior of the controls are defined in XML data, or the like (0026). At the time of the invention, it had been established and was well known in the art that XML was derived from SGML. Therefore Ferrel's SGML (edit form) document for that brings

together the content and design, would typically contain content-control statements, as described in the claimed invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
EXAMINER
ART UNIT 2176

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER